

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

**BENITA M. WALSH and her husband,)
TERRY WALSH)**

Plaintiff,)

vs.)

**LEONEL LOZANO OLVEDA)
and FREIGHTSOL TEX, LLC, a)
Texas Limited Liability Company,)**

Defendants.)

No. _____

NOTICE OF REMOVAL BY DEFENDANT FREIGHTSOL TEX, LLC

COMES NOW Freightsol Tex LLC, defendant in the above-styled suit, and, within the time prescribed by law, files this Notice of Removal pursuant to 28 U.S.C. § 1446, and respectfully shows the Court the following facts:

1. Plaintiff filed suit against Freightsol Tex LLC in the Circuit Court of Bradley County, State of Tennessee, where the underlying motor vehicle accident occurred. That suit is styled as above and numbered V-22-327 in that Court.
2. Based on allegations in the Complaint, Plaintiffs are believed to be residents and citizens of the State of Tennessee.
3. Defendant Freightsol Tex LLC is a Texas corporation with its principle place of business in Texas. Freightsol Tex LLC was served with the lawsuit no earlier than June 15, 2022.
4. Upon information and belief, Defendant Leonel Lozano Olveda is a citizen and resident of Mexico. Freightsol Tex LLC has no information whether Leonel Lozano Olveda has been served with the lawsuit.

5. Complete diversity exists between Plaintiff and Defendants in accordance with 28 U.S.C. § 1332(a)(1).
6. Plaintiffs contend that they are entitled to damages in excess of \$75,000.00. Accordingly, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.
7. This is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000, exclusive of interests and costs, and is between citizens of different states. Accordingly, this is a civil action which may be removed to this Court by Freightsol Tex LLC pursuant to the provisions of 28 U.S.C. § 1446.
8. This Notice is filed within thirty days of purported service upon Freightsol Tex LLC pursuant to the requirements of 28 U.S.C. § 1446(b).
9. Freightsol Tex LLC has attached hereto copies of all process, pleadings, and orders filed in the state court in this case as follows:
 - Exhibit 1: Complaint;
 - Exhibit 2: Summons to Freightsol Tex LLC;
 - Exhibit 3: Summons to Leonel Lozano Olveda;
 - Exhibit 4: Summons to Safeco Insurance of Illinois;
 - Exhibit 5: Return of Service on Safeco Insurance of Illinois;
 - Exhibit 6: Notice of Appearance for Freightsol Tex LLC.

WHEREFORE, Freightsol Tex LLC prays this case be removed to the United States District Court for the Eastern District of Tennessee.

Respectfully submitted this 15th day of July, 2022,

COPELAND, STAIR, VALZ & LOVELL, LLP

/s/ G. Graham Thompson

ANGELA CIRINA KOPET; BPR 017921

G. GRAHAM THOMPSON; BPR 034467

Attorneys for Defendant Freightsol Tex LLC

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Chattanooga, TN 37402

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing upon all parties to this matter by transmitting a true copy of same by U.S. mail and/or electronic mail, addressed to counsel of record as follows:

James R. Kennamer, Esq.
McMahan Law Firm
P.O. Box 11107
Chattanooga, TN 37401
jay@mcmahanlawfirm.com

Safeco Insurance Company of Illinois
P.O. Box 5014
Scranton, PA 18505-5014

This 15th day of July, 2022.

COPELAND, STAIR, VALZ, & LOVELL, LLP

/s/ G. Graham Thompson

735 Broad Street, Suite 1100
Chattanooga, TN 37402